

United States District Court

For the Northern District of California

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7IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA8
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28JACQUELINE WILLIAMS,
Plaintiff,No. C 06-05876 CRB
ORDERv.
CITY COLLEGE OF SAN FRANCISCO
NURSING DEPARTMENT,
Defendant.

Jacqueline Williams (“Plaintiff”) filed this lawsuit against the City College of San Francisco (“Defendant”) in September of 2006. Now pending before the Court is Defendant’s motion to dismiss, to which Plaintiff has failed to file a response.

Though her complaint is in many aspects incoherent, the thrust of Plaintiff’s case is that Defendant discriminated against her on the basis of race when it refused to admit her into its nursing program. Plaintiff, who is African-American, claims that she applied to Defendant’s nursing program during most, if not all, of the fall and spring semesters between 1999 and 2006. She claims that she has been denied admission each time. She further claims that she has seen only “Whites, Asian, Filipino, Mexican, and all other nationality in the program.” She asserts that she is “tired of the treatment of the defendant and their staff(s),” and she alleges that “the nursing department is out-of-control and racism [sic].” She alleges that she has been denied admission and access to facilities because of her race. In addition, albeit somewhat haphazardly, she invokes 42 U.S.C. § 1983.

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1 In addition to the charges it levels against Defendant, the complaint also denounces
2 racial injustice in America generally. It also castigates specific individuals, including George
3 Bush, Bill Clinton, Barbara Bush, and John Muir hospital--an entity that likely employs
4 nurses, but does not appear to be affiliated in any way with Defendant. The complaint also
5 contains musing on a film by Spike Lee regarding Hurricane Katrina and proclaims that
6 "Black People want the same as every one else."

7 Defendant argues that it is immune from this lawsuit under the federal Constitution.
8 This Court agrees. "The Eleventh Amendment bars suits which seek either damages or
9 injunctive relief against a state, an 'arm of the state,' its instrumentalities, or its agencies."
10 Franceschi v. Schwartz, 57 F.3d 828, 831 (9th Cir. 1995) (quoting Durning v. Citibank, N.A.,
11 950 F.2d 1419, 1422-23 (9th Cir.1991)). "California cases demonstrate that California state
12 colleges and universities are 'dependent instrumentalities of the state.'" Mitchell v. Los
13 Angeles Cnty. College Dist., 861 F.2d 198, 201 (9th Cir. 1988) (quoting Jackson v.
14 Hayakawa, 682 F.2d 1344, 1350 (9th Cir.1982)). In fact, the Ninth Circuit has previously
15 held that the Eleventh Amendment prohibits suits brought under § 1983 against precisely this
16 defendant. See Cerrato v. San Francisco Cnty College Dist., 26 F.3d 968, 972 (9th Cir.
17 1994). Because Defendant is immune from suit under the Eleventh Amendment, its motion
18 to dismiss is hereby GRANTED, with prejudice.

19 **IT IS SO ORDERED.**

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21 Dated: December 4, 2006



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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